IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 486 OF 2003

MR. V.G. QUENIM, PANJIM-GOA. ....Petitioner

Versus

SOCIEDADE TIMBLO IRMAOS LTD., AND ANR., ...Respondents

Y.V.Nadkarni, senior counsel with Y.V.Nadkarni for the petitioner.

M.S.Usgaonkar, senior counsel with Sudin Usgaonkar for the respondents.

Coram:- V.C. DAGA, J.

Date:- 24th August, 2006

P.C. :

Heard.

This petition is directed against the order dated 26th September, 2003 passed by the Civil Judge, Junior Division, Bicholim below Exh.75 in Regular Civil Suit No.135/2000/C, whereby the defendant sought deletion of Issue No.8. The Trial Court rejected the said application holding that amended part of the palint necessited framing of issue in question.

2. During the course of hearing, Mr.Usgaonkar fairly stated that this issue may not be necessary for fair trial of the suit. In that view of the matter, he has given his no-objection for deletion of said issue.

3. Thus, by consent of parties, issue No.8 stands deleted. Impugned order dated 26th September, 2003 stands set aside.

4. The trial Court is directed to dispose of the suit on priority basis with expeditious despatch, at any rate, within a period of six months from

the date of receipt copy of this order. If necessary, for expeditious trial of suit, the trial Court may examine the witnesses on day-to-day basis since the suit is of 1995 pending before the trial Court for past more than 10 years.

5. In the result, petition is allowed. Rule is made absolute in terms of this order with no order as to costs.

V.C. DAGA, J.

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